IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 4118 OF 1997

Shri Prasad Baliram Hire ..Petitioner.

v/s.

Shri Madhukar Baburao Bhalerao & Ors. ..Respondents.

Shri Pramod N. Joshi for the Petitioner.

Shri R.S. Ghadge i/by A.S. Desai for Respondent No.1.

WITH
CIVIL APPLICATION NO. 590 OF 2004
IN
W.P. NO. 4118 OF 1997

Shri Madhukar Bapurao Bhalerao ..Applicant.

V/s.

Shri Prasad Baliram Hire & Ors. ..Respondents.

Mr. R.S. Ghadge i/by A. S. Desai for the Applicant.

Mr. P.N. Joshi for the Respondent No.1.

CORAM : S. B. MHASE, J.
DATED : 24TH MARCH, 2006.

P.C.:

1. Heard both sides.

2. The main petition bearing No. 4118/1997 is directed against the order dated 15.05.1997 passed in

election petition No. 41/1996. The petitioner is a return candidate. His election was challenged by filing election petition No. 41/1996 by the respondent under section 144 (T) of the Maharashtra Co-operative Societies Act, 1960. The petitioner, who was respondent in the said election petition, had filed an application raising a preliminary objection. That preliminary objection was rejected by the impugned order and therefore, the present writ petition.

3. It is to be noted that the petitioner was elected on 29.10.1996 for a period of five years and therefore, the period for which the petitioner was elected or the term of the office of the petitioner for which the petitioner was elected is over and thereby, the main petition itself is rendered infructuous by passage of time. Equally, therefore, the present writ petition is also rendered infructuous by passage of time and therefore, the petition is disposed of as infructuous.

4. In view of the disposal of the petition, Civil application No. 590/2004 is disposed of.

24.03.2006 (S.B.MHASE,J)

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